

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ADAM HACKETT,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 06-426 KAJ
	:	
CORRECTIONAL MEDICAL SERVICES,	:	
WARDEN THOMAS CARROLL and	:	
COMMISSIONER STANLEY TAYLOR,	:	
	:	
Defendants.	:	

MOTION FOR A MORE DEFINITE STATEMENT

Defendant, Correctional Medical Services ("CMS" or "Defendant"), by and through its undersigned counsel, hereby moves for an order, pursuant to Federal Rule of Civil Procedure 12(e), requiring Plaintiff to make his complaint more definite and certain in the following particulars:<sup>1</sup>

1. Plaintiff initially filed his complaint on or about July 10, 2006 seeking medical treatment of "an unusual bump that appeared on Plaintiff's head (the "Complaint"). (D.I. 2)

2. On October 3, 2006, the Court issued an Order permitting Plaintiff to proceed with his claim against the Defendant. (D.I. 9)

3. CMS was served with the Complaint in or around January 2007 and undersigned counsel entered an appearance on defendant's behalf on February 5, 2007. (D.I. 12)

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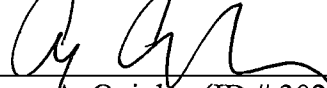
<sup>1</sup> Defendant is content to rely on the arguments set forth in this motion and hereby waives its right to file a brief pursuant to Local Rule 7.1.2.

4. Upon information and belief, Plaintiff was seen and treated for a cyst on the forehead which was removed on or about July 26, 2006. Given that the condition referenced in the Complaint would appear to have been treated some time ago, Defendant is unable to determine from the Complaint as currently stated what relief is being sought and for what condition. For instance, it is impossible to determine whether Plaintiff is contending that further treatment was warranted, or whether the treatment that he did receive was insufficient or whether his complaints stem from a completely separate condition. Without more information, Defendant is simply unable to formulate a responsive pleading having no ability to determine what, if any, defenses might exist to Plaintiff's allegations.

5. Therefore, with respect to paragraphs IV (1), (2) and (3) and V(1), (2) and (3) of the Complaint, Defendant requests that Plaintiff set forth specifically the dates and the nature of the condition for which Plaintiff seeks treatment. If treatment has been rendered, Plaintiff should indicate whether he claims negligence with regard to the treatment received. Also, Defendant requests that Plaintiff set forth the specific acts and/or surgeries which Plaintiff alleges should have been performed, if any, and what treatment rendered to Plaintiff by the Defendant was improper.

WHEREFORE, CMS respectfully requests this Court, pursuant to Federal Rule of Civil Procedure 12(e), enter an Order requiring Plaintiff to amend his Complaint to make it more definite and particular in the aforementioned respects. Defendant further requests this Court, as permitted under Rule 12(e), to set a date certain by which Plaintiff must make such amendments, in default of which the Court shall strike the pleading, or make such other order as the Court deems appropriate.

MORRIS JAMES LLP



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Attorneys for Defendant  
Correctional Medical Services

Dated: *MARCH 26, 2007*

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FOR THE DISTRICT OF DELAWARE

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CORRECTIONAL MEDICAL SERVICES,	:
WARDEN THOMAS CARROLL and	:
COMMISSIONER STANLEY TAYLOR,	:
	:
Defendants.	:

**ORDER**

It is **HEREBY ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007 that Defendants Correction Medical Services Motion for a More Definite Statement is GRANTED.

It is **FURTHER ORDERED** that plaintiff is required to amend the Complaint to set forth the specific acts claimed to be negligent. If plaintiff fails to comply with this Order by \_\_\_\_\_, 2007, then plaintiff's complaint will be stricken.

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J.

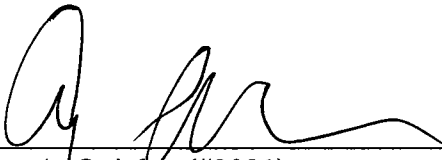
**CERTIFICATE OF SERVICE**

I, Amy A. Quinlan, hereby certify that on this 26<sup>th</sup> day of March, 2007, I have caused two (2) copies the following documents to be served on the parties listed below:

MOTION FOR A MORE DEFINITE STATEMENT

By First Class U.S. Mail to:

Adam Hackett, *Pro Se*  
SBI #00329697  
DCC  
1181 Paddock Road  
Smyrna, DE 19977

  
\_\_\_\_\_  
Amy A. Quinlan (#3021)